

REMARKS

Claims 10-11, 179, 181-182, and 187-209 are pending. Claims 10-11, 179, 181-182, and 187-209 are rejected. By virtue of this response, claims 210-215 have been added, and claims 10-11, 189, and 209 have been amended without prejudice or disclaimer of any previously claimed subject matter. Accordingly, claims 10-11, 179, 181-182, and 187-215 are currently under consideration.

Amendments

Claims 210-215 have been added, and claims 10-11, 189, and 209 have been amended. Support for the amendment of claims 10, 189, and 209 is found, for example, at page 91, first full paragraph. Support for the amendment of claim 11 is found, for example, at page 76, third full paragraph and page 91, first and second full paragraph. Support for new claims 210-215 is found, for example, at pages 21, 78, 90, 92-93, and 95.

With respect to the amendment of claims, Applicants have not dedicated or abandoned any unclaimed subject matter and, moreover, have not acquiesced to any rejections and/or objections made by the Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation, continuation-in-part, and/or divisional applications.

Applicants acknowledge with appreciation the withdrawal of the objection to claims 10-11, 179, 189-190, and 209 and the rejection under 35 U.S.C. 112, second paragraph.

35 USC § 112

Claims 10-11, 179, 181-182 and 187-209 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. Applicants respectfully traverse.

The Examiner alleges that while the specification is enabled for a method of screening for biologically active agents that modulate hepatocellular carcinoma (HCC) by administering a candidate agent to a FGF19 transgenic mouse wherein said transgene is expressed under the control of MLC promoter in a skeletal muscle cell and wherein said transgenic mouse has a phenotype of developing HCC and for said HCC cells derived from said mouse, does not enable any cells from said mouse.

Applicants respectfully disagree for reasons of record. However, solely to expedite prosecution, Applicants have amended claims 10-11, 189, and 209 to recite that the transgene encoding FGF19 operably linked to a myosin light chain (MLC) promoter. In addition, solely to expedite prosecution, Applicants have amended claim 11 to recite that cells of said culture are hepatocellular carcinoma liver cells derived from the transgenic mouse as described in claim 11. Claims 179, 181-182, 187-188, and 190-208 depend on claims 10-11, 189, and 209 directly or indirectly.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 146392001900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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